FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1094 OF 2006

1) Narendra Kumar Jagpatiram)
2) Vijay Kumar Jagpatiram)
3) Jagpati Ram Bechanram)
4) Indravati Devi Jagpatiram)
5) Mahendra Kumar Jagpatiram)..Applicants

V/s.

The State of Maharashtra)..Respondents

Mr.M.V.Holmagi for the applicants.

Mr.V.V.Gangurde for original Complainant.

Mr.V.V.Shinde APP for the State.

Coram : R.S.Mohite,J

Date : 6th June, 2006.

PC

1. This is an application for grant of anticipatory bail. The applicants are shown as accused in C.R.No.62/2006 registered at Ambernath police station for offences punishable under Sections 498-A, 306 and 32 read with 34 of IPC. The deceased was one Asha. She attempted to hang herself on the night between 15.2.2006 and 16.2.2006. It appears that her husband who is applicant no.2 before the Court had shifted alongwith his wife and was staying with her in Ambernath. Applicant nos.1, 3, 4 & 5 who are the brothers and parents of the husband Vijay were residing in their house at Govandi. The husband Vijay has given

a statement in the Ambernath police station immediately on 16.2.2006 stating that his wife attempted to commit suicide after a quarrel. He tried to catch hold her as she lit. However, his attempt was unsuccesful. Asha was alive when she was brought to the hospital and expired at 8.30 A.M. on 16.2.2006. The material against the present applicants is in the form of statements of her father and sister which indicate that in or about the period of Navratri which was in October-2005 Asha had come and had disclosed about demand being made by the applicants. There is also a reference in the statement to an earlier demand of money to purchase the flat. In October-2005 an amount of Rs.10,000/- is said to have been given by the father of Asha to her. Be that as it may, there appears to be no material collected in the last 4 months to show that there was any ill-treatment by the applicant nos.1, 3, 4 & 5 who were staying in the different towns. The statement of the father does not indicate that any physical ill-treatment was ever caused to Asha. In so far as husband is concerned, however, it has to be born in mind that Asha was residing with her alone. He would be the best person to indicate to the police the exact nature and reason of the quarrel which ensue just trial to the unfortunate incident. In my view, this is not a fit case for grant of anticipatory bail to the husband Vijay. As far as other applicants are concerned, I am inclined to grant anticipatory bail. In the circumstances, following order is passed :-

O R D E R

1. The application in so far as applicant no.2 Vijaykumar Jagpatiram is rejected.

2. On their arrest, the applicant nos.1, 3, 4 & 5 will be released on bail on Rs.15,000/- each with one surety each in the like amount subject to the condition that they will report to the concerned investigating officer of Ambernath police station for one week between 11.00 A.M. to 5.00 P.M. from 12.6.2006 to 17.6.2006 and thereafter as and when called upon by the investigating officer. Application stands disposed of accordingly.

3. Advocate for the applicants seeks extension of the interim bail which is granted by this Court. The application is rejected.

(R.S.Mohite,J)